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U.S. Department of State

Rwanda Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

RWANDA

The largely Tutsi Rwandan Patriotic Front (RPF), which took power following the civil war and genocide of 1994, is the principal political force in the Government of National Unity. President Pasteur Bizimungu, an ethnic Hutu, and Vice President and Minister of Defense Paul Kagame, an ethnic Tutsi, both belong to the RPF. The mainly Hutu Republican Democratic Movement (MDR) retains the office of Prime Minister. Prime Minister Pierre Rwigema runs the Government on a daily basis and is responsible for relations with the National Assembly. The judicial system is functioning on a limited basis.

The Minister of Defense is responsible for internal security and military defense; the Minister of Interior is responsible for civilian security matters. The security apparatus consists of the Rwandan Patriotic Army (RPA) and the gendarmerie, largely made up of RPA soldiers. Civilian police with limited arrest powers work in some rural communes. They report to the bourgemestre, or local mayor. The RPA and gendarmerie committed numerous serious human rights abuses prior to the mass repatriation of refugees.

The economic situation remains difficult. The interethnic violence from 1990 onward and especially the massive genocide of 1994 resulted in the neglect and widespread destruction of much of the country's economic infrastructure, including utilities, roads, and hospitals. Most citizens are subsistence farmers, and food production even before the war had barely kept pace with population growth. Small-scale commercial activities are on the increase, but the industrial base remains neglected.

The Government continued to be responsible for numerous serious human rights abuses, although the country took a major step toward national reconciliation with the voluntary return of hundreds of thousands of refugees in November. Citizens do not have the right to change their government. The Government killed hundreds of people; some killings were for political reasons, some were acts of revenge. Still other victims were innocent civilians, including hundreds of civilians killed in security sweeps in the countryside. The number of such abuses dropped after the mass repatriation, and related military setbacks for Hutu rebels late in the year. Prison conditions are harsh. Authorities hold more than 80,000 prisoners in overcrowded jails; most are accused of participating in the genocide. In November the Government announced that it would begin releasing prisoners whose arrest files do not meet strict standards concerning potential guilt. Due process rights guaranteed by the Constitution are not assured. The Government arrested genocide suspects at the rate of about 800 every week during the first 6 months of the year; the rate dropped sharply thereafter. Nearly all such arrests appear arbitrary and are often based on oral complaints and unsubstantiated accusations. In late December, the Government began to hold the first trials of suspects accused in the killing of some half-million people in 1994.

In November and December, more than 1.1 million Rwandan refugees returned from Tanzania, and from Zaire in the wake of a rebellion in North and South Kivu. The Government welcomed the refugees and assisted them in returning to their home communes. Among the returnees were thousands of people suspected of complicity in the genocide of 1994; however, the Government immediately suspended arrests of suspected war criminals, except in notorious cases.

The authorities harassed and threatened journalists, and freedom of assembly, movement and political activity are restricted. Discrimination and violence against women, and discrimination against indigenous people are problems.

During the genocide and war of April to July 1994 approximately two-thirds of the population was uprooted. More than 1.7 million people fled to bordering countries; another 2 million were internally displaced. The internally displaced returned to their homes by year's end.

Hutu insurgents committed many serious human rights abuses, including killings of unarmed civilians.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The RPA committed hundreds of killings for political reasons, in revenge for earlier violence, and in security sweeps (see Section 1.g.). The RPA killed many civilians during these operations. Many of these killings were in response to rebel infiltrations from Zaire.

Genocide survivors and Hutu politicians at the local level have been the targets of infiltrators. On June 18, unknown persons presumed to be infiltrators killed 15 genocide survivors and 1 RPA trooper in an attack on a makeshift settlement in Kibuye prefecture. These killings were apparently part of an effort to silence witnesses to the genocide of 1994.

On March 30, ex-FAR infiltrators killed Andre Ndayobotse, counselor of Nyamubembe sector in Nyakabuye prefecture, Cyangugu. On May 10, infiltrators in Cyangugu killed Anne Marie Mukandori, the bourgemestre of Karengera Commune. The commune of Bugarama was the scene of several murders of local officials and their families by infiltrators, deaths due to land mines, and an armed attack by ex-

FAR soldiers on the municipal offices and jail. These killings took place during March and April.

b. Disappearance

There were a few reports of disappearances, particularly in connection with RPA cordon and search operations. Human rights observers report, however, that due to the tense security situation and the mobility of returnees, it was often difficult or impossible to characterize definitively whether the disappearance of "missing" persons was involuntary or the result of force. In addition, there were a growing number of incommunicado detentions by agents of the State, which resulted in the effective disappearance of many persons.

One particularly blatant and well-documented disappearance occurred on July 11, when unknown individuals seized the Bourgemestre of Nyabikenke Commune in Gitarama prefecture, and forced him, with his motorcycle, into an RPA truck. He has not been seen since and is presumed dead. Police made no arrests.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is contrary to the Fundamental Law, and there were no reports of systematic torture. Various observers have accused local authorities of using excessive force in arrests and interrogation, but there have been no documented cases.

Prison conditions are harsh. Overcrowding and sanitation are serious problems. There are approximately 80,000 persons held in some 250 prisons and jails having a much smaller design capacity.

The International Committee of the Red Cross (ICRC), human rights organizations, diplomats, and journalists have regular access to the prisons. The ICRC feeds detainees in the 14 main prisons and also provides additional expertise and logistical and material support to improve conditions for detainees. New detention centers are being built.

d. Arbitrary Arrest, Detention, and Exile

The justice system began functioning on a limited basis at midyear, hearing nongenocide criminal and civil cases. Under these circumstances in which the Government has little capacity to ensure due process, almost all arrests appeared to arbitrary.

The Government arrested genocide suspects at the rate of 800 per week in the first 6 months of the year; thereafter the rate dropped to 400. Arrests are often based on oral complaints and, it is believed, at times on false accusations.

Exile is not practiced.

e. Denial of Fair Public Trial

The judicial system again began functioning late at midyear. Never a model of free and fair justice, the system collapsed during the war and genocide of 1994. The Government, with the help of the international community, is attempting to rebuild the judiciary and appoint lower court officials.

The law provides for public trials with the right to a defense. There were only a few trials of criminal suspects and a few genocide trials. Despite the lengthy incarceration of about 80,000 genocide suspects,

genocide trials only began at the end of December.

In August the Parliament passed a new genocide law, designed to elicit confessions in exchange for reduced sentences for the vast majority of those involved in the genocide. Trials are envisioned for only the most highly placed organizers of the massacres and those who participated with special zeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Fundamental Law prohibits such practices. Authorities generally respect these prohibitions and prosecute violations.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The insurgency along the western border led to many instances of the use of excessive force. A typical pattern was for infiltrators from Zaire to kill a local official or attack municipal offices; in many instances, the RPA reaction included the killings of innocent civilians. In April the RPA and insurgents killed more than 30 local residents in Rutsiro commune in Kibuye prefecture in an armed clash between the two groups. The RPA and insurgents killed between 40 and 50 persons during an armed clash at the detention center in Satinsyi commune, Gisenyi prefecture. Of some 170 killed in 45 aggravated incidents in April, 124 are thought to have been killed by agents of the State, and 15 by infiltrators.

Between July 5 and 13, the RPA killed more than 100 people during military operations in Gisenyi and Ruhengeri prefectures. Some of those killed were members of the defeated former army and Interahamwe militias, but many were reported to be unarmed civilians.

In June, July, and August the army conducted a series of cordon and search operations in the countryside in an effort to flush out infiltrators. During these operations, the military killed several hundred civilians. Infiltrators also killed many persons, including Tutsi survivors of the genocide and local Hutu officials.

In July some 365 people were killed in 93 separate incidents. 220 deaths were in Gisenyi prefecture, the site of the most intensive infiltrations. An estimated 226 of the killings were attributed, according to human rights observers, to agents of the State, including the RPA; 45 were attributed to infiltrators. In August about 110 people were killed by agents of the state.

Members of the former Hutu extremist government and the former army (ex-FAR), based just across the border in Zaire, threatened to renew the civil war; cross-border incidents continued to exacerbate the troubled security situation until the ex-FAR's military setbacks by Zairian rebels in November and the massive return of refugees.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Fundamental Law provides for freedom of the press; however, the Government at times harassed and intimidated the media.

Government agents harassed journalists whose reporting was contrary to official views. In August the authorities temporarily closed the Intego, a Kigali weekly newspaper after its publisher and two

journalists were detained arbitrarily by members of the security forces. The publisher was detained without charge for 1 week and was treated harshly. The Government did not officially close or sanction the newspaper, but the publisher thought it prudent to suspend operations, prior to reopening in November.

There are several privately owned newspapers, the government-owned Radio Rwanda, and the U.N.-operated Radio Unamir.

The University has reopened, and academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Fundamental Law provides for freedom of peaceful assembly, but authorities may legally require advance notice for outdoor rallies, demonstrations, and meetings. Political activity below the executive committee level of political parties was suspended by agreement of the parties. The National Revolutionary Movement for Democracy and Development (MRND), and the Coalition for Defense of the Republic (CDR), both implicated in planning and executing the 1994 genocide, have been banned by law.

c. Freedom of Religion

The 1991 Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. However, the Government cancelled all tourist passports effective September 30. This action gave the Ministry of the Interior more control over the movements of Rwandans outside the country.

Up to 300,000 Rwandans who fled in July 1994 remain outside the country. Repatriation of 600,000 from Zaire took place in November and December. More than 50,000 refugees repatriated from Burundi in July and August. In December, 480,000 additional refugees returned from Tanzania on the basis of decisions made by the government of that nation. The Government, aided by international humanitarian organizations, received and processed these refugees and facilitated their return to their homes, largely without incident.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government through democratic means. The 1992 powersharing agreement crafted in the Arusha negotiations and ratified by the 1993 peace accord was not fully implemented prior to then-President Habyarimana's death in April 1994, but it remains the basis of planning. Despite the events of 1994, the RPF brought representatives of four other opposition parties into the Government after the RPF military victory, but none of these officials were elected. An appointed multiparty National Assembly is now functioning, with nine political parties represented, including the RPF.

The national constitution known as the Fundamental Law is comprised of four texts: the Constitution of 1991; the Arusha Accords of 1993; the RPF Declaration of August 1994; and the Interparty Accords of 1994. These texts apply in a complicated legal precedence based loosely on their dates of execution.

There are no legal restrictions on the participation of women in political life, but women remain poorly represented in politics and government, including both the Cabinet and the National Assembly. The Batwa ethnic group is also underrepresented.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of local and international human rights groups operate without government restriction, investigating and publishing their findings on human rights violations. They include the U.N. High Commissioner for Human Rights, which operates a field office with branches throughout the country, and nongovernmental organizations (NGO's) including Journalists Sans Frontieres. Government officials are generally cooperative and responsive to their views. The ICRC is also active.

The International War Crimes Tribunal, which is to hold trials of genocide suspects in Arusha, Tanzania, began and subsequently postponed trials in 1996. The Government has criticized the tribunal for its slow start.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that all citizens are equal before the law, without discrimination on the basis of race, color, origin, ethnicity, clan, sex, opinion, religion, or social standing. The Government provides only limited enforcement of these provisions, however.

Women

Violence against women continues. Wife beating and domestic violence are normally handled within the context of the extended family and rarely come before the courts. Despite constitutional provisions, women continue to face serious discrimination. They traditionally perform most of the subsistence farming and have a limited wage-earning role in the modern sector. They have only limited opportunities for education, employment, and promotion. The Family Code of 1992 has generally improved the legal position of women in matters relating to marriage, divorce, and child custody, but still does not meet the constitutional commitment to gender equality. For example, it formally designates men as heads of households. Also, the absence of succession laws limits a woman's right to property, thus jeopardizing her status and ability to provide for her family should she survive her husband. This omission is particularly onerous in the post-genocide period, since widows are very numerous and surviving male relatives who would normally inherit and provide for them are relatively few.

Children

The Government is attempting to provide an education and to guarantee health care to every child. More than 50,000 children separated from their parents during the genocide and national upheaval remain in the care of strangers or international organizations. Although the Penal Code prohibits the imprisonment of children with adults, the Government reports that hundreds of children are in fact incarcerated with adults throughout the prison system. A detention center for children funded by the U.N. Children's Fund opened in October 1995; it houses about 150 boys.

People with Disabilities

Although there are no laws restricting people with disabilities from employment, education, or other state services, in practice few disabled persons have access to education or employment. There are no

laws or provisions that mandate access to public facilities.

Indigenous People

Less than 1 percent of the population comes from the Batwa ethnic group. These indigenous people, survivors of the Pygmy (Twa) tribes of the mountainous forest areas bordering Zaire, exist on the margins of society and continue to be treated as inferior citizens by both Hutus and Tutsis. The Batwa have been unable to protect their interests, which center on access to land and housing. Few Batwa have gained access to the educational system, resulting in minimal representation in government institutions. There is no reliable information on specific human rights abuses perpetrated against the Batwa population during the 1994 upheaval. A group of several hundred Batwa refugees was discovered in 1994 living in a forested area outside Goma, Zaire, its members deeply traumatized by the events they had witnessed. They did not confirm, however, whether they or other Batwa had been victims of massacres by either side.

National/Ethnic/Racial Minorities

Before April 1994, an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent Batwa. The subsequent mass killings and migrations affected the ethnic composition of the population, but the extent of the changes is unknown.

The Government has called for ethnic reconciliation and committed itself to abolishing policies of the former government that had created and deepened ethnic cleavages. It promised to eliminate references to ethnic origin from the national identity card, a provision of the 1993 Peace Accord. The Government has not statutorily addressed the issue of ethnic quotas in education, training, and government employment. It has partially integrated more than 2,000 former government soldiers into RPF forces, although not by the formula prescribed by the 1993 Arusha Accord. Tutsi clergy and businessman, who were well represented in these sectors of society, were killed in great numbers in the genocide. Following the 1994 victory by the RPF, Tutsis returning from exile took over many of the business and professional positions formerly held by Hutus and Tutsis.

Section 6 Worker Rights

a. The Right of Association

In practice Rwanda does not have a fully functioning labor movement, given the massive disruptions caused by the 1994 genocide. However, unions are slowly regrouping and asserting themselves. Although preconflict labor law technically remains in effect, the Government is unable to implement its provisions.

The Constitution provides for the right of citizens to create professional associations and labor unions. Union membership is voluntary and open to all salaried workers, including public sector employees. There are no restrictions on the right of association, but all unions must register with the Ministry of Justice for official recognition. There are no known cases in which the Government has denied such recognition. Unions are prohibited by law from having political affiliations, but in practice this is not always respected.

Organized labor represents only a small part of the work force. More than 90 percent are engaged in small-scale subsistence farming. About 7 percent work in the modern (wage) sector, including both public and private industrial production, and about 75 percent of those active in the modern sector are

members of labor unions.

Before 1991 the Central Union of Rwandan Workers (CESTRAR) was the only authorized trade union organization. With the political reforms introduced in the Constitution, CESTRAR officially became independent of the Government and the MRND.

The Constitution provides for the right to strike, except for public service workers. A union's executive committee must approve a strike, and a union must first try to resolve its differences with management according to steps prescribed by the Ministry of Labor and Social Affairs. The Government never enforced laws prohibiting retribution against strikers.

Labor organizations may affiliate with international labor bodies. CESTRAR is affiliated with the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

The Constitution provides for collective bargaining, although only CESTRAR had an established collective bargaining agreement with the Government. In practice, since most union members are in the public sector, the Government is intimately involved in the process (see Section 6.e.).

The law prohibits antiunion discrimination, and it has not occurred in practice. There are no formal mechanisms to resolve complaints involving discrimination against unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, and there are no reports that it occurs in practice.

d. Minimum Age for Employment of Children

Except in subsistence agriculture, the law prohibits children under the age of 18 from working without their parents' or guardians' authorization, and they generally may not work at night. The minimum age for full employment is 18 years and for apprenticeships 14 years, providing that the child has completed primary school. The Ministry of Labor has not enforced child labor laws effectively.

e. Acceptable Conditions of Work

The Ministry of Labor sets minimum wages in the small modern sector. The minimum wage is \$1.08 (310 Rwandan francs) for an 8-hour workday. The Government, the main employer, effectively sets most other wage rates as well. The minimum wage was inadequate to provide a decent standard of living for an urban family. Often families supplement their incomes by work in small business or subsistence agriculture. In practice, however, workers will work for less than the minimum wage.

Officially, government offices have a 40-hour workweek. Negotiations in 1993 between the unions, Government, and management were held to reduce the workweek from 45 to 40 hours in the private sector as well, but by year's end, no such reduction had occurred. Hours of work and occupational health and safety standards in the modern wage sector are controlled by law, but labor inspectors from the Ministry of Labor enforce them only loosely. Workers do not have the right to remove themselves from dangerous work situations without jeopardizing their jobs.

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